REMARKS/ARGUMENT

Claims 21 to 26 have been added. Pending claims 1-20 are unchanged. No admission or representation is made by the present amendments/argument other than that explicitly provided herein.

Claims 1-14

The Examiner has rejected claims 1-7 and 9 under 35 U.S.C. 103(a) as being obvious over Straayer et al. (U.S. 4,680,577) in view of Magara (U.S. Patent No. 7,148,880). The Examiner has also rejected claim 8 under 35 U.S.C. 103(a) as being obvious over Straayer et al. in view of Magara in further view of Lee (U.S. Patent Pub. No. 2002/0190957), and claims 10-14 under 35 U.S.C. 103(a) as being obvious over Straayer et al. in view of Magara in further view of Osawa et al. (U.S. Patent Pub. No. 2001/0033270). The Applicant respectfully submits that the pending claims are new and non-obvious for the following reasons.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP § 2143. Applicant submits that these three criteria have not been met.

The Examiner states at page 3 of the Office Action that Straayer does not disclose a combined character and navigation key providing tactile single click feedback to a user when the combined character and navigation key is moved to any of the input positions. The Examiner looks to Magara for this feature, in particular, the Examiner cites col. 6, lines 22-45, wherein Magara discloses "an inclination recovery means" which "elastically assists control part 102 to its central

initial position and "displacement recovery means" which "elastically assists control part 102 to its upper initial position". The Examiner suggests that the "elastic recovery mechanism" of Magara provides resistance and therefore provides "tactile single click feedback to a user". The Examiner further states that it would be obvious to incorporate a "displacement recovery means" in the device of Straayer because when inclination or rotation of the control part is canceled and the control part is assisted back to the initial position, it can automatically halt the generation of a control signal (e.g., character input or navigation).

The Applicant respectfully disagrees with the Examiner's characterization of Magara. Although the elastic recovery mechanisms of Magara may provide some resistance, the mechanisms do not provide ***tactile single click feedback*** as claimed in independent claim 1. The "inclination recovery means" and "displacement recovery means" ***elastically assist*** the control part 102 back to its initial position (see col. 6, lines 22-45). An "elastic recovery mechanism" such as that in Magara would likely provide some resistance, but this would be in the form of continuous resistance resulting from elastic forces biasing the control part back to its initial position. The claimed invention provides a tactile single click feedback to the user when the combined character and navigation key is moved to any of the input positions. This is different than providing continuous resistance in Magara. In the claimed invention of independent claim 1, the tactile single click feedback is provided only when the combined character and navigation key is moved into one of the input positions. Although in some embodiments some form of continuous resistance ***may*** be felt by a user after depression of the combined character and navigation key, it is only when the combined character and navigation key is first moved into one this position that ***tactile single click feedback*** occurs. In some embodiments, the "tactile single click feedback" is provided by the depression of resilient members (such as dome switches) positioned adjacent to the input positions when the combined character and navigation key is moved into one of the input positions (see paragraph 36, page 9).

Thus, the feature of the combined character and navigation key providing tactile single click feedback to a user when the combined character and navigation key is moved to any of the input positions is not found in Magara as suggested by the Examiner, nor is this feature found in any of the other cited references. Furthermore, the function of the "tactile single click feedback" is to provide feedback to the user of the electronic device so as to notify the user that the combined character and navigation key has been moved to a respective input position, not to "automatically halt the generation of a control signal" as in Magara. Thus, the "elastic recovery mechanisms" in Magara are directed to a different problem the claimed invention. Accordingly, there is no motivation or incentive which would lead a person skilled in the art to even consider combining Magara with Straayer.

In view of the above, the Applicant submits that independent claim 1 is both new and non-obvious in view of the cited references. Claims 2-14 are dependent claims which depend directly or indirectly from claim 1 and are therefore considered to be both new and non-obvious for at least the same reasons given for claim 1. Accordingly, the Applicant requests that the rejection to claims 1-14 be withdrawn.

Claims 15-20

The Examiner has rejected claims 15-17 under 35 U.S.C. 103(a) as being obvious over Lee in view of Straayer et al., and claims 18-20 under 35 U.S.C. 103(a) as being obvious over Lee in view of Straayer et al. in further view of Osawa et al.

Independent claim 15 recites a hand-held electronic device that has, among other things, a keyboard mounted within a face of the device and comprising a space bar key arranged closer to bottom edge of the face than the alphanumeric

keys for inputting a space character for display on the display screen, the space bar key being movable from an un-depressed position to a plurality of detectable input positions including at least one input position corresponding to a navigational input for moving a navigation indicator on the display screen.

The Examiner has identified Lee as disclosing a hand-held electronic device that has a space bar key positioned towards the lower end of the device, but has acknowledged that Lee does not disclose a space bar key being moveable from an un-depressed position to a plurality of detectable input positions including at least one input position corresponding to a navigational input component for moving a navigation indicator on the display screen. The Examiner looks to Straayer for this feature, stating that Straayer discloses such a space bar key at col. 3, lines 7-26. The Applicant respectfully disagrees with the Examiner. Straayer discloses a computer keyboard having a multipurpose keyswitch which allows entry of a character or movement of the cursor as described at col. 3, lines 7-26. However, Straayer discloses a computer keyboard having the "F" key as the multipurpose keyswitch not the space bar key as in independent claim 15. Furthermore, there is nothing in Straayer that would suggest using a key other than the "F" key for the multipurpose keyswitch, let alone suggest the use of the space bar key for the multipurpose keyswitch. In contrast, at col. 5, lines 12-29 Straayer describes at length the advantages provided by using the "F" key:

> Referring now to FIG. 4, there is shown an alpha-numeric keyboard 100 with the keys arranged in a standard "QWERT" configuration. In this configuration, the typist is taught to start with the fingers positioned on the keys of the home row 102 having the index finger of the left and right hands initially on the "F" and "J" keys, respectively. **In the preceeding discussion, the "F" key was selected for incorporation of the multipurpose cursor control keyswitch according to the present invention. This is advantageous for several reasons. It is in the home**

row and it is positioned to be utilized by the left index finger. That is, it is located where one of the users fingers will be a large percentage of the time and beneath one of the users fingers for which one has the best small muscle control. Thus, the cursor can be moved rapidly without having to move ones hand and eyes to another portion of the keyboard and back again, which is time and major muscle usage intensive.

As noted above, Straayer is directed to a computer keyboard rather than a hand-held electronic device wherein the space bar key is arranged closer to the bottom edge of the face of the hand-held electronic device as in independent claim 15. This configuration of the space bar key provides advantageous positioning for navigation input control on the hand-held electronic device, unlike a keyboard for a computer where the "F" key is advantageous. There is nothing in Straayer or Lee that would suggest or motivate the skilled person to modify Straayer to provide a keyboard having a space bar key being moveable from an un-depressed position to a plurality of detectable input positions including at least one input position corresponding to a navigational input component for moving a navigation indicator on the display screen. Moreover, Straayer is directed to a desktop computer rather than the hand-held electronic device in Lee. Given the differences between keyboard and input devices of desktop computers and hand-held electronic devices, a person skilled in the art would not even look to Straayer or seek to combine these references when seeking to provide an improved keyboard for a hand-held electronic device. Even when combined, Straayer and Lee do not provide all of the claimed features, as explained above. In view of the above, the Applicant respectfully submits that the criteria for a *prima facie* case of obviousness is not made out by the combination of Straayer and Lee.

In view of the above, the Applicant submits that independent claim 15 is both new and non-obvious in view of the cited references. Claims 16-20 are

dependent claims which depend directly or indirectly from claim 15 and are therefore considered to be both new and non-obvious for at least the same reasons given for claim 15. Accordingly, the Applicant requests that the rejection to claims 15-20 be withdrawn.

Claims 21 to 26 have been added to more fully claim the subject matter of the application. The Applicant submits that claims 21 to 26 are directed to patentable subject matter for at least the reasons cited above in respect of the respective independent claim from which claims 21 to 26 depend, either directly or indirectly.

Favourable reconsideration and allowance of the application are respectfully requested. Should the Examiner have any questions in connection with the Applicant's submissions, please contact the undersigned.

Respectfully submitted,

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